

SENATE BILL 678

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2001 Regular Session
1r1918

By: **Senator Ferguson**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Christopher's Law V - Sexual Offenders - Plea Bargaining and Diminution**
3 **Credits**

4 FOR the purpose of providing that a person committed to the custody of the Division
5 of Correction is not entitled to diminution credits on the inmate's term of
6 confinement if the inmate is committed as a result of a conviction for a violation
7 of certain sexual offenses; providing that a person sentenced to a term of
8 imprisonment is not entitled to certain deductions from the person's term of
9 confinement for certain periods of time in a local correctional facility if the
10 inmate is committed as a result of a conviction for certain sexual offenses;
11 prohibiting a State's Attorney from entering into a plea bargain agreement if the
12 defendant is charged with certain crimes and the plea bargain agreement would
13 have a certain result; providing for the construction of this Act; defining a
14 certain term; and generally relating to plea bargaining and diminution credits
15 for sexual offenders.

16 BY repealing and reenacting, with amendments,
17 Article - Correctional Services
18 Section 3-702 and 11-502
19 Annotated Code of Maryland
20 (1999 Volume and 2000 Supplement)

21 BY adding to
22 Article - Criminal Procedure
23 Section 4-103.1
24 Annotated Code of Maryland
25 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2001)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

Article - Correctional Services

2 3-702.

3 (A) [Subject] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND
4 SUBJECT to § 3-711 of this subtitle and Title 7, Subtitle 5 of this article, an inmate
5 committed to the custody of the Commissioner is entitled to a diminution of the
6 inmate's term of confinement as provided under this subtitle.

7 (B) AN INMATE COMMITTED TO THE CUSTODY OF THE COMMISSIONER IS NOT
8 ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS
9 PROVIDED UNDER THIS SUBTITLE IF THE INMATE IS COMMITTED AS THE RESULT OF
10 A CONVICTION FOR A VIOLATION OF ARTICLE 27, § 462, § 463, § 464, § 464A, § 464B, OR §
11 464F OF THE CODE.

12 11-502.

13 (A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN
14 inmate who has been sentenced to a term of imprisonment shall be allowed
15 deductions from the inmate's term of confinement as provided under this subtitle for
16 any period of presentence or postsentence confinement in a local correctional facility.

17 (B) AN INMATE WHO HAS BEEN SENTENCED TO A TERM OF IMPRISONMENT IS
18 NOT ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS
19 PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR
20 POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY IF THE
21 INMATE IS SENTENCED AS THE RESULT OF A CONVICTION FOR A VIOLATION OF
22 ARTICLE 27, § 462, § 463, § 464, § 464A, § 464B, OR § 464F OF THE CODE.

Article - Criminal Procedure

24 4-103.1.

25 (A) IN THIS SECTION, "PLEA BARGAIN AGREEMENT" MEANS AN AGREEMENT
26 BETWEEN THE DEFENDANT OR THE DEFENDANT'S ATTORNEY AND THE STATE'S
27 ATTORNEY THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE IN EXCHANGE
28 FOR THE STATE'S ATTORNEY'S:

29 (1) RECOMMENDATION TO THE COURT FOR A SENTENCE THAT IS LESS
30 THAN THE MAXIMUM PENALTY FOR THE CHARGE;

31 (2) PROMISE NOT TO MAKE A RECOMMENDATION TO THE COURT
32 REGARDING THE SENTENCE;

33 (3) PROMISE TO ENTER A NOLLE PROSEQUI TO A CHARGE CARRYING A
34 GREATER STATUTORY PENALTY; OR

35 (4) PROMISE TO PLACE A CHARGE CARRYING GREATER STATUTORY
36 PENALTY ON THE STET DOCKET.

1 (B) THE STATE'S ATTORNEY MAY NOT ENTER INTO A PLEA BARGAIN
2 AGREEMENT IF:

3 (1) THE DEFENDANT IS CHARGED WITH A VIOLATION OF ARTICLE 27, §
4 462, § 463, § 464, § 464A, § 464B, OR § 464F OF THE CODE; AND

5 (2) THE PLEA BARGAIN AGREEMENT WOULD RESULT IN A NOLLE
6 PROSEQUI OR PLACEMENT ON THE STET DOCKET OF A CHARGE LISTED IN ITEM (1)
7 OF THIS SUBSECTION.

8 (C) THIS SECTION DOES NOT PROHIBIT A DEFENDANT FROM PLEADING
9 GUILTY TO A CRIMINAL CHARGE IF THERE IS NOT A PLEA BARGAIN AGREEMENT.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2001.